IN THE HIGH COURT OF UTTRANCHAL AT NAINITAL.

Writ Petition No. 663 (S/S) of 2006

Shailesh Kumar Bhatt alias Shailesh Kumar,
S/o Sri Kishan Lal Bhatt,
R/o 14 – F, Adhoiwala Road,
Karanpur,
Dehradun. **……Petitioner**

V e r s u s

1. State of Uttaranchal through Chief Secretary, Secretariat, Dehradun.
2. Secretary, Public Service Commission, Uttaranchal, Gurukul Kangri, Haridwar.

……..Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Smt. Sanjana Madan, learned counsel for the petitioner, Sri B.D. Kandpal, learned counsel for respondent no.2, and Sri Paresh Tripathi, learned standing counsel for State of Uttaranchal on behalf of respondent no. 1.

By means of this writ petition, petitioner has prayed to issue a direction to the respondents to appoint the petitioner on the post of Lecturer (Sociology) under Scheduled Caste on the basis of result of written test as well as interview conducted by Uttaranchal Public Service Commission. The petitioner has further prayed to quash letter dated 22.03.2006 and order dated 25.04.2006 issued by Uttaranchal Public Service Commission.

The submission of the petitioner is that petitioner is scheduled caste candidate and has obtained caste certificate to this effect, which is Annexure No. 8 to the writ petition.

The said certificate was issued by the Competent Authority on 14.10.2003.

The aforesaid certificate was issued to one Sri Shailesh Kumar, son of Sri Kishan Lal, Village – Baheri, Tehsil – Kotdwar, District – Pauri Garhwal. The petitioner while applying for the post of Lecturer before the Uttaranchal Public Service Commission in the application form has mentioned his name "Shailesh Kumar Bhatt" son of Sri "Kishan Lal Bhatt". In the educational certificates the name of the petitioner is also shown as "Shailesh Kumar Bhatt" son of Sri "Kishan Lal Bhatt". Since the caste certificate which was submitted by the petitioner was in respect of one Sri Shailesh Kumar son Sri Kishan, petitioner was provisionally considered by the Uttaranchal Public Service Commission under scheduled caste category and on 22.03.2006, the petitioner was asked to submit the caste certificate in the name of Shailesh Kumar Bhatt within a period of 30 days. Again on 25.04.2006 the petitioner was asked to submit the caste certificate within 21 days.

I do not find any infirmity in the order passed by Uttaranchal Public Service Commission. Since the educational certificates submitted by the petitioner are in the name of "Shailesh Kumar Bhatt" and the caste certificate produced by the petitioner before Uttaranchal Public Service Commission is of one Sri "Shailesh Kumar". The Uttaranchal Public Service Commission has rightly asked the petitioner to submit the caste certificate showing the name Shailesh Kumar Bhatt, if he is claiming reservation under scheduled caste category.

During the course of arguments learned counsel for the petitioner has submitted that petitioner has already applied for the caste certificate on 27.03.2006 before Tehsildar, Kotdwar, which is Annexure No. 18 to the writ petition. On the said application submitted by the petitioner, Tehsildar has yet not issued caste certificate.

In the circumstances stated above, I direct the Tehsildar, Kotdwar to take decision on the application of the petitioner dated 27.03.2006 (Annexure No. 18 to the writ petition) at the earliest preferably within a period of two weeks from the date of production of certified copy of the order.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

May 17, 2006
SKSharma